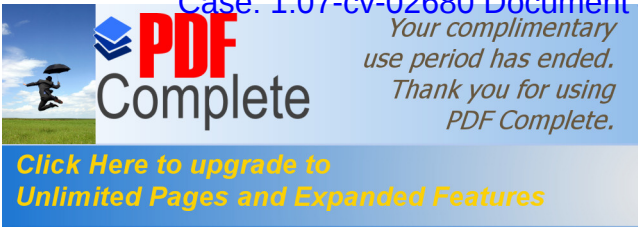


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2. The parties have substantially completed all written discovery and are attempting to reach agreement by stipulation concerning the identity and number of witnesses who will be called to present testimony at the evidentiary hearing regarding Plaintiffs' facial challenge to § 10-7-4 of the Broadview Municipal Code.



scheduled depositions of witnesses. Plaintiffs have already noticed the depositions of five witnesses, three of whom have previously provided affidavits on behalf of the Village in connection with prior summary judgment motions in this case and whom the Village has agreed to produce (Hoffman, Abel and Iosue), one of whom is an individually named defendant represented by the Del Galdo Law Group (Keehm), and one of whom is an individually named defendant represented by Luke Casson (Vicenik).

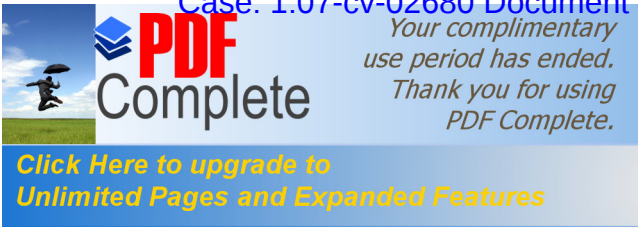
4. The Village has already noticed the depositions of three witnesses, all of whom previously provided affidavits on behalf of Plaintiffs in connection with prior summary judgment motions in this case and whom Plaintiffs have agreed to produce (Krakower, Ho and Donahue).

5. However, in the process of scheduling depositions, it was determined that one of Plaintiffs' opinion witnesses, Alecs Ho, is out of the country (in Taiwan) and unavailable for deposition on the date his deposition was noticed. In addition, it was determined that Mr. Ho would not be available to provide testimony at the evidentiary hearing scheduled for May 29, 2012. (The other depositions are being conducted this month.)

6. Plaintiffs have informed the Village that they intend to rely on Mr. Ho's testimony in support of their claims that § 10-7-4 is facially unconstitutional. Because of this, it is imperative that the Village have the opportunity to (a) depose Mr. Ho and (b) cross-examine him during the evidentiary hearing.

7. In addition, without the benefit of Mr. Ho's deposition testimony, the Village is unable to adequately prepare for the evidentiary hearing.

8. On account of these facts, the Village submits that a further extension of time in which to complete discovery is necessary for good cause shown.



, by this motion, seeks to extend the time for the parties to complete discovery by an additional 40 days, or until and including at least Friday, June 22, 2012, during which time it is expected that Mr. Ho will be available to sit for deposition.

10. Counsel for the Village has extensively met and conferred with counsel for Plaintiffs regarding the scheduling of the depositions noticed, and Plaintiffs do not object to the extension of discovery being requested by this Motion.¹ In addition, it is the Village's understanding that no other parties to this case object to the said extension.

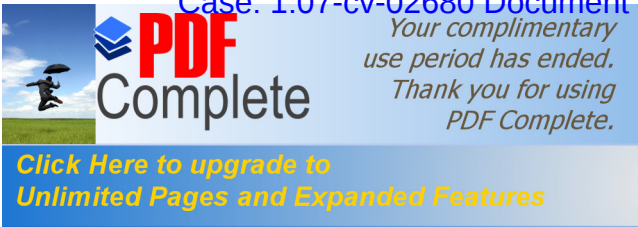
11. By virtue of the extension being requested by this Motion, it will be necessary to reschedule the pretrial conference presently scheduled for May 15, 2012 at 10:15 a.m. and the evidentiary hearing presently scheduled for May 29, 2012 at 10:15 a.m.

12. The Village proposes that a new date be scheduled for a pretrial conference during the week of June 25, 2012, at such date and time as best suits the Court, and that a new date be scheduled for an evidentiary hearing thereafter at such date and time as best suits the Court and the other parties.

13. Although the Village previously moved to extend deadlines for discovery pertinent to the evidentiary hearing on Plaintiffs' facial challenge to § 10-7-4, neither the Village nor any of the other parties to this case were aware that Mr. Ho would be unavailable for deposition due to being out of the country. It is on account of this unanticipated and unavoidable circumstance that an additional extension of discovery is being requested.

14. This Motion is not being brought for any improper purpose, such as to harass any party, unjustifiably delay any proceedings, or needlessly increase litigation expenses, but rather

¹ In fact, Plaintiffs' counsel previously agreed to file on Friday, May 4, 2012 a motion to extend discovery for the same reasons as those set forth in this Motion. Having noticed that, as of this morning, no such motion had yet been filed, the Village is filing the instant motion so that the extensions to which the parties have already agreed in principle may be vetted with, and hopefully approved by, the Court, as soon as practicable under the circumstances.



y by the amount of time reasonably necessary under the circumstances to complete such discovery.

15. Not granting the relief requested by this motion would be prejudicial to the Village.

WHEREFORE, the Village respectfully requests a 40 day extension of discovery from May 14, 2012 to at least June 22, 2012 to enable the parties to conclude all depositions in preparation for the evidentiary hearing on Plaintiff's facial challenge to § 10-7-4, that the May 14, 2012 pretrial conference be rescheduled to such new date and time as the Court deems proper during the week of June 25, 2012, and that the evidentiary hearing on Plaintiff's facial challenge to § 10-7-4 be rescheduled to such new date and time thereafter as the Court deems proper.

Dated: May 10, 2012.

Respectfully submitted,

THE VILLAGE OF BROADVIEW

By: /s/ Philip M. Fornaro

One of its attorneys

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